



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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December 21, 2011

Martha Hankins
Toxics Cleanup Program
Washington Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

RE: Draft Fish Consumption Technical Support Document

Dear Ms. Hankins:

The Columbia River Inter-Tribal Fish Commission (CRITFC) and the over 20,000 registered members of the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe, appreciates the opportunity to provide the following comments on the Department of Ecology's Fish Consumption Technical Support document.

CRITFC commends Ecology's efforts to compile this report and respond to tribes' requests for information. The report provides a thorough examination of relevant regional fish consumption rate studies and concludes by recommending that Washington State make significant changes to their default fish consumption rates. The report recommends a fish consumption rate in the range of 157 to 267 grams per day. These results are consistent with the findings of CRITFC's comprehensive fish consumption study that was conducted in 1991-1992, which documented that a fish consumption rate of 176 grams per day would be protective of 95 percent of the adult population and 389 grams per day would be protective of 99 percent of the adult population. Based on the CRITFC study, the current fish consumption rate of must be increased in order to be protective of Washington fish consumers.

Increasing the current Washington fish consumption rate will ultimately lead to decreasing the levels of toxic pollution that are considered "allowable" in our rivers, lakes, and streams. The importance of fish to the tribes cannot be overstated for the fishery resource is not only a major food source for tribal members; it is also an integral part of our cultural, economic, and spiritual well-being. As ceremonial and subsistence fishers, we rely on the protection and enhancement of water quality to a level that is sufficient to protect our water and fish from harmful exposure to waterborne pollutants.

Recent studies demonstrate that salmon receive a significant percentage of their body contaminant burden from the freshwater portion of their life cycle through contact with contaminated sediments and ingestion of contaminated food sources. (NOAA, 2009, Data Report for Lower Columbia Juvenile Salmon Persistent Organic Pollutant Exposure Assessment, prepared by the Environmental Conservation Division, Northwest Fisheries Science Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, for the NOAA Damage Assessment Center and Portland Harbor Natural Resource Trustees; and Sloan, C.A., et. al, 2010, Polybrominated Diphenyl Ethers in Outmigrant Juvenile Chinook Salmon from the Lower Columbia River and Estuary and Puget Sound, Washington, Arch. Contam. Toxicol, (2010), 58:403-414.) Ecology should consider these findings when reviewing the discussion contained in Appendix E – *The Question of Salmon*. In contrast, we are concerned that the EPA Region 10 framework discussed on page 78-79, might be used as a precedent for not including salmon in an overall fish consumption rate without site-specific chemical-specific evaluations. Salmon, as well as other tribally significant aquatic species such as steelhead, lamprey and sturgeon, must be included by default when assessing the risks from consumption of fish in order to accurately represent tribal exposure to environmental toxicants.

In ceding large portions of their aboriginal lands to the United States, the CRITFC tribes reserved the right to continue to fish at all usual and accustomed sites for ceremonial, subsistence, and commercial purposes. As demonstrated in the CRITFC fish consumption study fish remain a mainstay of tribal diets throughout the Pacific Northwest. Tribes have legally protected rights to safely consume fish at subsistence levels and the standards set by the state of Washington must consider these rights when it issues standards that so directly impact the safety of tribal populations.

Adoption of a default fish consumption rate that is protective of tribal members will allow all Washingtonians the ability to enjoy the benefits of living in a land whose waters are better protected from toxic pollutants. Thank you for the opportunity to express these opinions on this matter.

Sincerely,



Babtist Paul Lumley
Executive Director